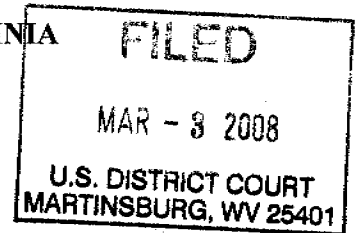


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Martinsburg Division



LILLIAN C. ETTER, individually,
and as Co-Trustee of the McCLUGHAN
LIVING TRUST DATED JUNE 29, 2001,

Plaintiff,

v.

CIVIL ACTION NO. 3:06-CV-139
Judge Bailey

RANDY B. MAZZOTTI, individually,
and as Co-Trustee of the McCLUGHAN
LIVING TRUST DATED JUNE 29, 2001,
JULIA. A. MAZZOTTI, and LACY J.
MAZZOTTI,

Defendants.

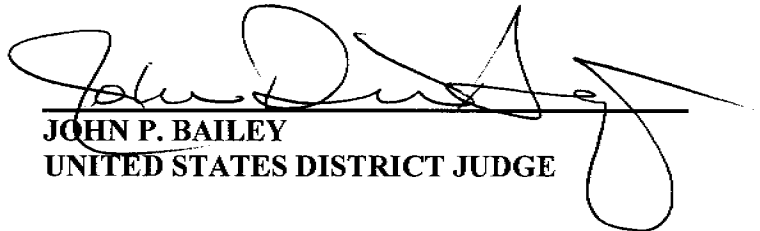
**AGREED ORDER DIRECTING CLERK TO
RELEASE ALL FUNDS TO PLAINTIFF**

ON A PREVIOUS DAY came the Plaintiff, LILLIAN C. ETTER, individually, and as Co-Trustee of the McClughan Living Trust dated June 29, 2001, by counsel, and the Defendants, RANDY B. MAZZOTTI, individually, and as Co-Trustee of the McClughan Living Trust dated June 29, 2001, JULIA. A. MAZZOTTI, and LACY J. MAZZOTTI, by counsel, and advised the Court that the parties have settled all issues, disputes, controversies, claims, and counterclaims which exist between the parties pursuant to the terms of a February 22, 2008 Mediation Settlement Agreement. As part of this Settlement Agreement, the Plaintiff shall receive forthwith all monies currently held pursuant to the Court's August 10, 2007 *Agreed Order Directing Clerk to Deposit Funds* (document #22).

WHEREUPON the parties jointly moved the Court to direct the Clerk to release to the Plaintiff forthwith all monies currently held pursuant to the Court's August 10, 2007 *Agreed Order Directing Clerk to Deposit Funds* (document #22).

UPON MATURE CONSIDERATION of the parties' joint motion, and it appearing otherwise proper, it is accordingly **ORDERED** that the parties' joint motion shall be, and hereby is, GRANTED. The Clerk shall release to the Plaintiff forthwith all monies currently held pursuant to the Court's August 10, 2007 *Agreed Order Directing Clerk to Deposit Funds* (document #22). The Clerk shall also enter this Agreed Order as of the date set forth below and transmit an attested copy to all counsel of record.

ENTERED on the 29th day of February, 2008.



JOHN P. BAILEY
UNITED STATES DISTRICT JUDGE

APPROVED BY:

/s/ Kenneth J. Barton, Jr.

Kenneth J. Barton, Jr. WVSB #6044
M. Dawn Alexander WVSB #8722
Steptoe & Johnson PLLC
Post Office Box 2629
Martinsburg, West Virginia 25402
bartonkj@steptoe-johnson.com
alexanmd@steptoe-johnson.com
Counsel for the Defendants

PREPARED BY:

/s/ Joseph L. Caltrider

Joseph L. Caltrider WVSB #6870
Christine M. Riley WVSB #10307
Bowles Rice McDavid Graff & Love LLP
Post Office Drawer 1419
Martinsburg, West Virginia 25402
(304) 264-4214
jcaltrider@bowlesrice.com
criley@bowlesrice.com
Counsel for the Plaintiff